

INTERNET
FORM NLRB-501
(2-08)UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD
CHARGE AGAINST EMPLOYER**DO NOT WRITE IN THIS SPACE**

Case

3-CA-211194

Date Filed

December 8, 2017

INSTRUCTIONS:

File an original with NLRB Regional Director for the region in which the alleged unfair labor practice occurred or is occurring.

1. EMPLOYER AGAINST WHOM CHARGE IS BROUGHT

a. Name of Employer Sandvik Thermal Processes		b. Tel. No. (716) 691-4010
		c. Cell No.
		f. Fax No.
d. Address (Street, city, state, and ZIP code) 495 Commerce Dr Ste 7 NY Amherst 14228-2311	e. Employer Representative Art Moslow Technical Marketing Manager	g. e-Mail Art.moslow@sandvik.com
		h. Number of workers employed 20
i. Type of Establishment (factory, mine, wholesaler, etc.) Electronic Instr. & Controls	j. Identify principal product or service High Temperature Heating Element Supplier	
k. The above-named employer has engaged in and is engaging in unfair labor practices within the meaning of section 8(a), subsections (1) and (list subsections) 3 of the National Labor Relations Act, and these unfair labor practices are practices affecting commerce within the meaning of the Act, or these unfair labor practices are unfair practices affecting commerce within the meaning of the Act and the Postal Reorganization Act.		

2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices)

--See additional page--

3. Full name of party filing charge (if labor organization, give full name, including local name and number)

(b) (6), (b) (7)(C)

Title:

4a. Address (Street and number, city, state, and ZIP code)

(b) (6), (b) (7)(C)

4b. Tel. No. (b) (6), (b) (7)(C)

4c. Cell No. (b) (6), (b) (7)(C)

4d. Fax No.

4e. e-Mail
(b) (6), (b) (7)(C)**5. Full name of national or international labor organization of which it is an affiliate or constituent unit (to be filled in when charge is filed by a labor organization)****6. DECLARATION**

I declare that I have read the above charge and that the statements are true to the best of my knowledge and belief.

By (b) (6), (b) (7)(C)

(signature of representative or person making charge)

(b) (6), (b) (7)(C)

Title: (Print/type name and title or office, if any)

Address (b) (6), (b) (7)(C)

12/7/2017 19:31:49
(date)

Tel. No. (b) (6), (b) (7)(C)

Office, if any, Cell No. (b) (6), (b) (7)(C)

Fax No.

e-Mail (b) (6), (b) (7)(C)

WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)**PRIVACY ACT STATEMENT**

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing unfair labor practice and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary; however, failure to supply the information will cause the NLRB to decline to invoke its processes.

Basis of the Charge

8(a)(3)

Within the previous six months, the Employer discharged an employee(s) because the employee(s) engaged in protected concerted activities by, inter alia, protesting terms and conditions of employment and in order to discourage employees from engaging in protected concerted activities.

Name of employee discharged	Approximate date of discharge
(b) (6), (b) (7)(C)	(b) (6), (b) (7)(C) 2017

8(a)(3)

Within the previous six months, the Employer disciplined or retaliated against an employee(s) because the employee(s) engaged in protected concerted activities by, inter alia, protesting terms and conditions of employment and in order to discourage employees from engaging in protected concerted activities.

Name of employee disciplined/retaliated against	Type of discipline/retaliation	Approximate date of discipline/retaliation
(b) (6), (b) (7)(C)	Termination	(b) (6), (b) (7)(C) 2017
(b) (6), (b) (7)(C)	Written Warning	(b) (6), (b) (7)(C) 2017

8(a)(1)

Within the previous six-months, the Employer has interfered with, restrained, and coerced its employees in the exercise of rights protected by Section 7 of the Act by maintaining work rules that prohibit employees from discussing wages, hours, or other terms or conditions of employment.

8(a)(1)

Within the previous six-months, the Employer has interfered with, restrained, and coerced its employees in the exercise of rights protected by Section 7 of the Act by maintaining work rules that prevent or discourage employees from engaging in protected concerted activities.

Work Rule
Unclear Performance Improvement Plan



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 3
130 S Elmwood Ave Ste 630
Buffalo, NY 14202-2465

Agency Website: www.nlr.gov
Telephone: (716)551-4931
Fax: (716)551-4972



Download
NLRB
Mobile App

December 8, 2017

(b) (6), (b) (7)(C)

Re: Sandvik Thermal Processes
Case 03-CA-211194

Dear (b) (6), (b) (7)(C)

The charge that you filed in this case on December 08, 2017 has been docketed as case number 03-CA-211194. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

Investigator: This charge is being investigated by Field Examiner Patricia E. Petock whose telephone number is (716)398-7023. If this Board agent is not available, you may contact Acting Assistant to the Regional Director Sandra L. Larkin whose telephone number is (716)398-7016.

Right to Representation: You have the right to be represented by an attorney or other representative in any proceeding before us. If you choose to be represented, your representative must notify us in writing of this fact as soon as possible by completing *Form NLRB-4701, Notice of Appearance*. This form is available on our website, www.nlr.gov, or from an NLRB office upon your request.

If you are contacted by someone about representing you in this case, please be assured that no organization or person seeking your business has any "inside knowledge" or favored relationship with the National Labor Relations Board. Their knowledge regarding this proceeding was only obtained through access to information that must be made available to any member of the public under the Freedom of Information Act.

Presentation of Your Evidence: As the party who filed the charge in this case, it is your responsibility to meet with the Board agent to provide a sworn affidavit, or provide other witnesses to provide sworn affidavits, and to provide relevant documents within your possession. Because we seek to resolve labor disputes promptly, you should be ready to promptly present your affidavit(s) and other evidence. If you have not yet scheduled a date and time for the Board agent to take your affidavit, please contact the Board agent to schedule the affidavit(s). If you fail to cooperate in promptly presenting your evidence, your charge may be dismissed without investigation.

Preservation of all Potential Evidence: Please be mindful of your obligation to preserve all relevant documents and electronically stored information (ESI) in this case, and to take all steps necessary to avoid the inadvertent loss of information in your possession, custody or control. Relevant information includes, but is not limited to, paper documents and all ESI (e.g. SMS text messages, electronic documents, emails, and any data created by proprietary software tools) related to the above-captioned case.

Prohibition on Recording Affidavit Interviews: It is the policy of the General Counsel to prohibit affiants from recording the interview conducted by Board agents when subscribing Agency affidavits. Such recordings may impede the Agency's ability to safeguard the confidentiality of the affidavit itself, protect the privacy of the affiant and potentially compromise the integrity of the Region's investigation.

Procedures: We strongly urge everyone to submit all documents and other materials by E-Filing (not e-mailing) through our website, www.nlrb.gov. However, the Agency will continue to accept timely filed paper documents. Please include the case name and number indicated above on all your correspondence regarding the charge. The Agency requests all evidence submitted electronically to be in the form it is normally used and maintained in the course of business (i.e., native format). Where evidence submitted electronically is not in native format, it should be submitted in a manner that retains the essential functionality of the native format (i.e., in a machine-readable and searchable electronic format). If you have questions about the submission of evidence or expect to deliver a large quantity of electronic records, please promptly contact the Board agent investigating the charge.

Information about the Agency, the procedures we follow in unfair labor practice cases and our customer service standards is available on our website, www.nlrb.gov or from an NLRB office upon your request. *NLRB Form 4541, Investigative Procedures* offers information that is helpful to parties involved in an investigation of an unfair labor practice charge.

We can provide assistance for persons with limited English proficiency or disability. Please let us know if you or any of your witnesses would like such assistance.

Very truly yours,

A handwritten signature in black ink, appearing to read "Paul J. Murphy". The signature is fluid and cursive, with the first name "Paul" and last name "Murphy" clearly distinguishable.

PAUL J. MURPHY
Regional Director



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 3
130 S Elmwood Ave Ste 630
Buffalo, NY 14202-2465

Agency Website: www.nlr.gov
Telephone: (716)551-4931
Fax: (716)551-4972



Download
NLRB
Mobile App

December 8, 2017

Art Moslow, Technical Marketing Manager
Sandvik Thermal Processes
495 Commerce Dr
Ste 7
Amherst, NY 14228-2311

Re: Sandvik Thermal Processes
Case 03-CA-211194

Dear Mr. Moslow:

Enclosed is a copy of a charge that has been filed in this case. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

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Presentation of Your Evidence: We seek prompt resolutions of labor disputes. Therefore, I urge you or your representative to submit a complete written account of the facts and a statement of your position with respect to the allegations set forth in the charge as soon as possible. If the Board agent later asks for more evidence, I strongly urge you or your representative to cooperate fully by promptly presenting all evidence relevant to the investigation. In this way, the case can be fully investigated more quickly.

Full and complete cooperation includes providing witnesses to give sworn affidavits to a Board agent, and providing all relevant documentary evidence requested by the Board agent. Sending us your written account of the facts and a statement of your position is not enough to be considered full and complete cooperation. A refusal to fully cooperate during the investigation might cause a case to be litigated unnecessarily.

In addition, either you or your representative must complete the enclosed Commerce Questionnaire to enable us to determine whether the NLRB has jurisdiction over this dispute. If you recently submitted this information in another case, or if you need assistance completing the form, please contact the Board agent.

We will not honor any request to place limitations on our use of position statements or evidence beyond those prescribed by the Freedom of Information Act and the Federal Records Act. Thus, we will not honor any claim of confidentiality except as provided by Exemption 4 of FOIA, 5 U.S.C. Sec. 552(b)(4), and any material you submit may be introduced as evidence at any hearing before an administrative law judge. We are also required by the Federal Records Act to keep copies of documents gathered in our investigation for some years after a case closes. Further, the Freedom of Information Act may require that we disclose such records in closed cases upon request, unless there is an applicable exemption. Examples of those exemptions are those that protect confidential financial information or personal privacy interests.

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We can provide assistance for persons with limited English proficiency or disability. Please let us know if you or any of your witnesses would like such assistance.

Very truly yours,

A handwritten signature in black ink, appearing to read "Paul J. Murphy". The signature is written in a cursive, flowing style.

PAUL J. MURPHY
Regional Director

Enclosures:

1. Copy of Charge
2. Commerce Questionnaire

NATIONAL LABOR RELATIONS BOARD

NOTICE OF APPEARANCE

Sandvik Thermal Processes

and

CASE 03-CA-211194

☒ REGIONAL DIRECTOR

☐ EXECUTIVE SECRETARY
NATIONAL LABOR RELATIONS BOARD
Washington, DC 20570

☐ GENERAL COUNSEL
NATIONAL LABOR RELATIONS BOARD
Washington, DC 20570

THE UNDERSIGNED HEREBY ENTERS APPEARANCE AS REPRESENTATIVE OF _____

Employer, Sandvik Thermal Processes

IN THE ABOVE-CAPTIONED MATTER.

CHECK THE APPROPRIATE BOX(ES) BELOW:

☒ REPRESENTATIVE IS AN ATTORNEY

☒ IF REPRESENTATIVE IS AN ATTORNEY, IN ORDER TO ENSURE THAT THE PARTY MAY RECEIVE COPIES OF CERTAIN DOCUMENTS OR CORRESPONDENCE FROM THE AGENCY IN ADDITION TO THOSE DESCRIBED BELOW, THIS BOX MUST BE CHECKED. IF THIS BOX IS NOT CHECKED, THE PARTY WILL RECEIVE ONLY COPIES OF CERTAIN DOCUMENTS SUCH AS CHARGES, PETITIONS AND FORMAL DOCUMENTS AS DESCRIBED IN SEC. 11842.3 OF THE CASEHANDLING MANUAL.

(REPRESENTATIVE INFORMATION)

NAME: Michael E. Lignowski

MAILING ADDRESS: Morgan, Lewis & Bockius, LLP, 1701 Market Street, Philadelphia, PA 19103

E-MAIL ADDRESS: michael.lignowski@morganlewis.com

OFFICE TELEPHONE NUMBER: 215.963.5455

CELL PHONE NUMBER: _____ FAX: 215.963.5001

SIGNATURE: _____

(Please sign in ink.)

DATE: 12-14-17

(b) (6), (b) (7)(C)

¹ IF CASE IS PENDING IN WASHINGTON AND NOTICE OF APPEARANCE IS SENT TO THE GENERAL COUNSEL OR THE EXECUTIVE SECRETARY, A COPY SHOULD BE SENT TO THE REGIONAL DIRECTOR OF THE REGION IN WHICH THE CASE WAS FILED SO THAT THOSE RECORDS WILL REFLECT THE APPEARANCE.



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 03
130 S Elmwood Ave Ste 630
Buffalo, NY 14202-2465

Agency Website: www.nlrb.gov
Telephone: (716)551-4931
Fax: (716)551-4972

December 11, 2017

Art Moslow, Technical Marketing Manager
Sandvik Thermal Processes
495 Commerce Dr
Ste 7
Amherst, NY 14228-2311

Re: Sandvik Thermal Processes
Case 03-CA-211194

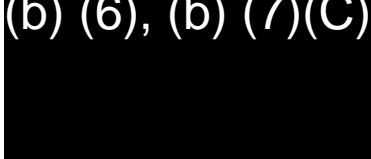
Dear Mr. Moslow:

This is to advise you that I have approved the withdrawal of the charge in the above matter.

Very truly yours,

/s/PAUL J. MURPHY

PAUL J. MURPHY
Regional Director

cc: (b) (6), (b) (7)(C)
A large black rectangular redaction box covers the bottom portion of the cc line.

UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD
CHARGE AGAINST EMPLOYER

INSTRUCTIONS:

DO NOT WRITE IN THIS SPACE	
Case	Date Filed
9-CA-128298	May 8, 2014

File an original of this charge with NLRB Regional Director in which the alleged unfair labor practice occurred or is occurring.

1. EMPLOYER AGAINST WHOM CHARGE IS BROUGHT

a. Name of Employer SANDVIK Inc.		b. Tel. No. (859)334-8300
		c. Cell No.
d. Address (street, city, state ZIP code) 2300 GLOBAL WAY HEBRON, KY 41048	e. Employer Representative DENELLO ANGELLO WAREHOUSE MANAGER	f. Fax No.
		g. e-Mail
		h. Dispute Location (City and State) HEBRON, KY
i. Type of Establishment (factory, nursing home, hotel) DISTRIBUTION	j. Principal Product or Service VARIOUS METAL PARTS & TOOLS	k. Number of workers at dispute location 100

I. The above-named employer has engaged in and is engaging in unfair labor practices within the meaning of section 8(a), subsections (1) of the National Labor Relations Act, and these unfair labor practices are practices affecting commerce within the meaning of the Act, or these unfair labor practices are unfair practices affecting commerce within the meaning of the Act and the Postal Reorganization Act.

2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices)

Within the last 6 months the Employer has maintained several unlawful or overly broad rules that violate Section 7 of the NLRA.

3. Full name of party filing charge (if labor organization, give full name, including local name and number)

(b) (6), (b) (7)(C)

4a. Address (street and number, city, state, and ZIP code)

(b) (6), (b) (7)(C)

4b. Tel. No.

4c. Cell No.

(b) (6), (b) (7)(C)

4d. Fax No.

4e. e-Mail

(b) (6), (b) (7)(C)

5. Full name of national or international labor organization of which it is an affiliate or constituent unit (to be filled in when charge is filed by a labor organization)

6. DECLARATION

I declare that I have read the above charge and that the statements are true to the best of my knowledge and belief.

Tel. No.

By (b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)
AN INDIVIDUAL

Office, if any, Cell No.

(b) (6), (b) (7)(C)

(sign (b) (6), (b) (7)(C) representative or person making charge)

Print Name and Title

(b) (6), (b) (7)(C)

Fax No.

Address: (b) (6), (b) (7)(C)

Date:

(b) (6), (b) (7)(C)

e-Mail

(b) (6), (b) (7)(C)

WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)

PRIVACY ACT STATEMENT

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(b) (6), (b) (7)(C)



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 9
550 MAIN ST
RM 3003
CINCINNATI, OH 45202-3271

Agency Website: www.nlrb.gov
Telephone: (513)684-3686
Fax: (513)684-3946

May 9, 2014

(b) (6), (b) (7)(C)

Re: SANDVIK INC.
Case 09-CA-128298

Dear (b) (6), (b) (7)(C)

The charge that you filed in this case on May 08, 2014 has been docketed as case number 09-CA-128298. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

Investigator: This charge is being investigated by Field Examiner ELISABETH J. MACARONI whose telephone number is (513)684-3464. If the Board agent is not available, you may contact Supervisory Examiner DAVID MORGAN whose telephone number is (513)684-3643.

Right to Representation: You have the right to be represented by an attorney or other representative in any proceeding before us. If you choose to be represented, your representative must notify us in writing of this fact as soon as possible by completing *Form NLRB-4701, Notice of Appearance*. This form is available on our website, www.nlrb.gov, or at the Regional office upon your request.

If you are contacted by someone about representing you in this case, please be assured that no organization or person seeking your business has any "inside knowledge" or favored relationship with the National Labor Relations Board. Their knowledge regarding this proceeding was only obtained through access to information that must be made available to any member of the public under the Freedom of Information Act.

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May 9, 2014

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Very truly yours,

A handwritten signature in black ink, reading "Gary W. Muffley". The signature is written in a cursive, flowing style.

GARY W. MUFFLEY
Regional Director



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 9
550 MAIN ST
RM 3003
CINCINNATI, OH 45202-3271

Agency Website: www.nlr.gov
Telephone: (513)684-3686
Fax: (513)684-3946



Download
NLRB
Mobile App

May 9, 2014

Denello Angello, Warehouse Manager
Sandvik Inc.
2300 Global Way
Hebron, KY 41048

Re: SANDVIK INC.
Case 09-CA-128298

Dear Mr. Angello:

Enclosed is a copy of a charge that has been filed in this case. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

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Very truly yours,

A handwritten signature in black ink, reading "Gary W. Muffley". The signature is written in a cursive, flowing style.

GARY W. MUFFLEY
Regional Director

Enclosures:

1. Copy of Charge
2. Commerce Questionnaire

NATIONAL LABOR RELATIONS BOARD

NOTICE OF APPEARANCE

Sandvik, Inc.
and

CASE 9-CA-128298

☒ REGIONAL DIRECTOR

☐ EXECUTIVE SECRETARY
NATIONAL LABOR RELATIONS BOARD
Washington, DC 20570

☐ GENERAL COUNSEL
NATIONAL LABOR RELATIONS BOARD
Washington, DC 20570

THE UNDERSIGNED HEREBY ENTERS APPEARANCE AS REPRESENTATIVE OF _____
Employer, Sandvik, Inc.

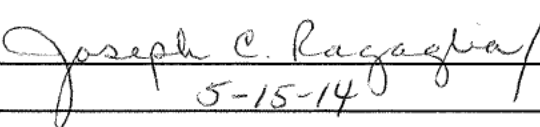
IN THE ABOVE-CAPTIONED MATTER.

CHECK THE APPROPRIATE BOX(ES) BELOW:

☒ REPRESENTATIVE IS AN ATTORNEY

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(REPRESENTATIVE INFORMATION)

NAME:	Joseph C. Ragaglia
MAILING ADDRESS:	Morgan, Lewis & Bockius, LLP, 1701 Market Street, Philadelphia, PA 19103
E-MAIL ADDRESS:	jragaglia@morganlewis.com
OFFICE TELEPHONE NUMBER:	215.963.5365
CELL PHONE NUMBER:	610.331.2544
FAX:	215.963.5001
SIGNATURE:	
DATE:	5-15-14

¹ IF CASE IS PENDING IN WASHINGTON AND NOTICE OF APPEARANCE IS SENT TO THE GENERAL COUNSEL OR THE EXECUTIVE SECRETARY, A COPY SHOULD BE SENT TO THE REGIONAL DIRECTOR OF THE REGION IN WHICH THE CASE WAS FILED SO THAT THOSE RECORDS WILL REFLECT THE APPEARANCE.

NATIONAL LABOR RELATIONS BOARD

NOTICE OF APPEARANCE

Sandvik, Inc.

and

CASE 9-CA-128298

☒ REGIONAL DIRECTOR

☐ EXECUTIVE SECRETARY
NATIONAL LABOR RELATIONS BOARD
Washington, DC 20570

☐ GENERAL COUNSEL
NATIONAL LABOR RELATIONS BOARD
Washington, DC 20570

THE UNDERSIGNED HEREBY ENTERS APPEARANCE AS REPRESENTATIVE OF _____
Employer, Sandvik, Inc.

IN THE ABOVE-CAPTIONED MATTER.

CHECK THE APPROPRIATE BOX(ES) BELOW:

☒ REPRESENTATIVE IS AN ATTORNEY

☒ IF REPRESENTATIVE IS AN ATTORNEY, IN ORDER TO ENSURE THAT THE PARTY MAY RECEIVE COPIES OF CERTAIN DOCUMENTS OR CORRESPONDENCE FROM THE AGENCY IN ADDITION TO THOSE DESCRIBED BELOW, THIS BOX MUST BE CHECKED. IF THIS BOX IS NOT CHECKED, THE PARTY WILL RECEIVE ONLY COPIES OF CERTAIN DOCUMENTS SUCH AS CHARGES, PETITIONS AND FORMAL DOCUMENTS AS DESCRIBED IN SEC. 11842.3 OF THE CASEHANDLING MANUAL.

(REPRESENTATIVE INFORMATION)

NAME: Meghan A. Higgins	
MAILING ADDRESS: Morgan Lewis & Bockius, LLP, 1701 Market Street, Philadelphia, PA 19103	
E-MAIL ADDRESS: meghan.higgins@morganlewis.com	
OFFICE TELEPHONE NUMBER: 215.963.4794	
CELL PHONE NUMBER:	FAX: 215.963.5001
SIGNATURE: <i>Meghan A. Higgins</i> / (b) (6), (b) (7)(C)	
DATE: (Please sign in ink.) 5-15-14	

¹ IF CASE IS PENDING IN WASHINGTON AND NOTICE OF APPEARANCE IS SENT TO THE GENERAL COUNSEL OR THE EXECUTIVE SECRETARY, A COPY SHOULD BE SENT TO THE REGIONAL DIRECTOR OF THE REGION IN WHICH THE CASE WAS FILED SO THAT THOSE RECORDS WILL REFLECT THE APPEARANCE.

UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD
CHARGE AGAINST EMPLOYER

INSTRUCTIONS:

AMENDED

DO NOT WRITE IN THIS SPACE	
Case	Date Filed
09-CA-128298	June 30, 2014

File an original of this charge with NLRB Regional Director in which the alleged unfair labor practice occurred or is occurring.

1 EMPLOYER AGAINST WHOM CHARGE IS BROUGHT			
a Name of Employer SANDVIK Inc.		b Tel. No. (859)334-8300	
		c Cell No.	
d Address (street, city, state ZIP code) 2300 GLOBAL WAY HEBRON, KY 41048		e Employer Representative DENELLO ANGELLO WAREHOUSE MANAGER	
		f Fax No.	
		g e-Mail	
		h Dispute Location (City and State) HEBRON, KY	
i Type of Establishment (factory, nursing home, hotel) DISTRIBUTION		j Principal Product or Service VARIOUS METAL PARTS & TOOLS	
		k Number of workers at dispute location 100	
<p>1 The above-named employer has engaged in and is engaging in unfair labor practices within the meaning of section 8(a), subsections (1) of the National Labor Relations Act, and these unfair labor practices are practices affecting commerce within the meaning of the Act, or these unfair labor practices are unfair practices affecting commerce within the meaning of the Act and the Postal Reorganization Act</p> <p>2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices)</p> <p>Within the last 6 months the Employer has maintained the attached unlawful or overly broad rules that violate Section 7 of the NLRA.</p>			
3 Full name of party filing charge (if labor organization, give full name, including local name and number) (b) (6), (b) (7)(C)			
4a Address (street and number, city, state, and ZIP code) (b) (6), (b) (7)(C)		4b. Tel. No.	
		4c. Cell No. (b) (6), (b) (7)(C)	
		4d Fax No.	
		4e e-Mail (b) (6), (b) (7)(C)	
5 Full name of national or international labor organization of which it is an affiliate or constituent unit (to be filled in when charge is filed by a labor organization)			
6 DECLARATION I declare that I have read the above charge and that the statements are true to the best of my knowledge and belief. (b) (6), (b) (7)(C)		Tel No.	
By (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) representative of person making charge)		Office, if any, Cell No. (b) (6), (b) (7)(C)	
AN INDIVIDUAL Print Name and Title		Fax No.	
Address (b) (6), (b) (7)(C) (b) (6), (b) (7)(C)		e-Mail (b) (6), (b) (7)(C)	
Date 6-29-14			

WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)
PRIVACY ACT STATEMENT

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing unfair labor practice and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary, however, failure to supply the information will cause the NLRB to decline to invoke its processes.

(b) (6), (b) (7)(C)

Amendment to 09-CA-128298

Camera: the use of a camera or any other imaging device or equipment, including all types of cameras, imaging devices or camera capable cell phones, are not permitted in the warehouse area.

Solicitation and Distribution: outside of regularly scheduled working hours, employees are not permitted to enter or remain on the Company premises without written permission from the ADS Manager, except within the period of thirty (30) minutes before or after the actual working time.

Things You Should Know: Any employee who...**walks off the job**, except in cases of imminent danger, injury, or an accident, may be considered to have voluntarily resigned.

Work rules

“...Generally, conduct, which is considered disruptive, unproductive, unethical, not within the best interests for the Company or its employees, or illegal, will not be tolerated.”

And: g) “...or leaving the job without permission.”

In a Last Chance Agreement (LCA):

You were suspended without pay until the investigation concluded. The Employer states that “[U]pon your return to work, **there shall be no further discussion about the circumstances or the incident with any other employee.** You can address any concerns in the future with your Manager or Supervisor.



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 9
550 MAIN ST
RM 3003
CINCINNATI, OH 45202-3271

Agency Website: www.nlrb.gov
Telephone: (513)684-3686
Fax: (513)684-3946



Download
NLRB
Mobile App

June 30, 2014

(b) (6), (b) (7)(C)

Re: SANDVIK INC.
Case 09-CA-128298

Dear (b) (6), (b) (7)(C)

We have docketed the first amended charge that you filed in this case.

Investigator: This charge is being investigated by Field Examiner ELISABETH J. MACARONI whose telephone number is (513)684-3750. If the agent is not available, you may contact Supervisory Examiner DAVID MORGAN whose telephone number is (513)684-3643.

Presentation of Your Evidence: As the party who filed the charge in this case, it is your responsibility to meet with the Board agent to provide a sworn affidavit, or provide other witnesses to provide sworn affidavits, and to provide relevant documents within your possession. If you have additional evidence regarding the allegations in the first amended charge and you have not yet scheduled a date and time for the Board agent to obtain that evidence, please contact the Board agent to arrange to present that evidence. If you fail to cooperate in promptly presenting your evidence, your charge may be dismissed.

Procedures: Your right to representation, the means of presenting evidence, and a description of our procedures, including how to submit documents, was described in the letter sent to you with the original charge in this matter. If you have any questions, please contact the Board agent.

Very truly yours,

GARY W. MUFFLEY
Regional Director



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 9
550 MAIN ST
RM 3003
CINCINNATI, OH 45202-3271

Agency Website: www.nlrb.gov
Telephone: (513)684-3686
Fax: (513)684-3946



Download
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Mobile App

June 30, 2014

Denello Angello, Warehouse Manager
Sandvik Inc.
2300 Global Way
Hebron, KY 41048

Re: SANDVIK INC.
Case 09-CA-128298

Dear Mr. Angello:

Enclosed is a copy of the first amended charge that has been filed in this case.

Investigator: This charge is being investigated by Field Examiner ELISABETH J. MACARONI whose telephone number is (513)684-3750. If the agent is not available, you may contact Supervisory Examiner DAVID MORGAN whose telephone number is (513)684-3643.

Presentation of Your Evidence: As you know, we seek prompt resolutions of labor disputes. Therefore, I urge you or your representative to submit a complete written account of the facts and a statement of your position with respect to the allegations in the first amended charge as soon as possible. If the Board agent later asks for more evidence, I strongly urge you or your representative to cooperate fully by promptly presenting all evidence relevant to the investigation. In this way, the case can be fully investigated more quickly.

Procedures: Your right to representation, the means of presenting evidence, and a description of our procedures, including how to submit documents, was described in the letter sent to you with the original charge in this matter. If you have any questions, please contact the Board agent.

Very truly yours,

GARY W. MUFFLEY
Regional Director

Enclosure: Copy of first amended charge

Meghan A. Higgins, Esq.
Morgan Lewis & Bockius LLP
1701 Market St
Philadelphia, PA 19103

Joseph C. Ragaglia
Morgan Lewis & Bockius LLP
1701 Market Street
Philadelphia, PA 19103

IN THE MATTER OF
SANDVIK, INC.

PERFORMANCE — Performance by the Charged Party with the terms and provisions of this Agreement shall commence immediately after the Agreement is approved by the Regional Director, or if the Charging Party does not enter into this Agreement, performance shall commence immediately upon receipt by the Charged Party of notice that no review has been requested or that the General Counsel has sustained the Regional Director.

The Charged Party agrees that in case of non-compliance with any of the terms of this Settlement Agreement by the Charged Party, and after 14 days notice from the Regional Director of the National Labor Relations Board of such non-compliance without remedy by the Charged Party, the Regional Director will issue a Complaint that includes the allegations covered by the Notice to Employees, as identified above in the Scope of Agreement section, as well as filing and service of the charge(s), commerce facts necessary to establish Board jurisdiction, labor organization status, appropriate bargaining unit (if applicable), and any other allegations the General Counsel would ordinarily plead to establish the unfair labor practices. Thereafter, the General Counsel may file a Motion for Default Judgment with the Board on the allegations of the Complaint. The Charged Party understands and agrees that all of the allegations of the Complaint will be deemed admitted and that it will have waived its right to file an Answer to such Complaint. The only issue that the Charged Party may raise before the Board will be whether it defaulted on the terms of this Settlement Agreement. The General Counsel may seek, and the Board may impose, a full remedy for each unfair labor practice identified in the Notice to Employees. The Board may then, without necessity of trial or any other proceeding, find all allegations of the Complaint to be true and make findings of fact and conclusions of law consistent with those allegations adverse to the Charged Party on all issues raised by the pleadings. The Board may then issue an Order providing a full remedy for the violations found as is appropriate to remedy such violations. The parties further agree that a U.S. Court of Appeals Judgment may be entered enforcing the Board Order ex parte, after service or attempted service upon Charged Party at the last address provided to the General Counsel.

NOTIFICATION OF COMPLIANCE — Each party to this Agreement will notify the Regional Director in writing what steps the Charged Party has taken to comply with the Agreement. This notification shall be given within 5 days, and again after 60 days, from the date of the approval of this Agreement. If the Charging Party does not enter into this Agreement, initial notice shall be given within 5 days after notification from the Regional Director that the Charging Party did not request review or that the General Counsel sustained the Regional Director's approval of this agreement. No further action shall be taken in the above captioned case(s) provided that the Charged Party complies with the terms and conditions of this Settlement Agreement and Notice.

NON-ADMISSION – By entering into this settlement agreement the Charged Party does not admit that it has violated the National Labor Relations Act, as amended.

Charged Party Sandvik, Inc.		Charging Party (b) (6), (b) (7)(C)	
By: Name and Title	Date	By: Name and Title	Date
/s/ Meghan A. Higgins	7/21/14	(b) (6), (b) (7)(C)	7-25-14
Meghan A. Higgins, Esq.		(b) (6), (b) (7)(C)	
Recommended By:	Date	Approved By:	Date
/s/ Elisabeth J. Macaroni	7/25/14	/s/ Gary W. Muffley	7/25/14
ELISABETH J. MACARONI, Field Examiner		Gary W. Muffley, Regional Director, Region 9	



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 9
550 MAIN ST
RM 3003
CINCINNATI, OH 45202-3271

Agency Website: www.nlrb.gov
Telephone: (513)684-3686
Fax: (513)684-3946

July 9, 2014

MEGHAN A. HIGGINS
MORGAN LEWIS & BOCKIUS LLP
1701 MARKET ST
PHILADELPHIA, PA 19103

JOSEPH C. RAGAGLIA
MORGAN LEWIS & BOCKIUS LLP
1701 MARKET STREET
PHILADELPHIA, PA 19103

Re: SANDVIK INC.
Case 09-CA-128298

Dear Ms. Higgins, Mr. Ragaglia:

This is to advise that I have approved the withdrawal of the 8(a)(1) allegation of the charge as it relates to Rule 4 and 5 only.

Very truly yours,

/s/ Garey E. Lindsay

Garey E. Lindsay
Acting Regional Director

cc: DENELLO ANGELLO
WAREHOUSE MANAGER
SANDVIK INC.
2300 GLOBAL WAY
HEBRON, KY 41048

(b) (6), (b) (7)(C)



NOTICE TO EMPLOYEES



POSTED PURSUANT TO A SETTLEMENT AGREEMENT APPROVED BY A REGIONAL DIRECTOR OF THE NATIONAL LABOR RELATIONS BOARD

AN AGENCY OF THE UNITED STATES GOVERNMENT

FEDERAL LAW GIVES YOU THE RIGHT TO:

- Form, join, or assist a union;
- Choose a representative to bargain with us on your behalf;
- Act together with other employees for your benefit and protection;
- Choose not to engage in any of these protected activities.

WE WILL NOT do anything to prevent you from exercising the above rights.

WE WILL NOT maintain a rule in our ADC Employee Handbook that prohibits the use of a camera or any other imaging device or equipment, including camera capable cell phones on our property.

WE WILL NOT maintain the rule in our ADC Employee Handbook that says outside of regularly scheduled working hours, employees are not permitted to enter or remain on our premises without written permission from the ADC Manager, except within the period of thirty (30) minutes before or after the actual working time.

WE WILL NOT maintain a rule in our ADC Employee Handbook that states that any employee who walks off the job, except in cases of imminent danger, injury, or an accident, may be considered to have voluntarily resigned.

WE WILL NOT in any like or related manner interfere with, restrain, or coerce our employees in the exercise of the rights guaranteed them by Section 7 of the Act.

WE WILL, within 14 days from the date of the approval of the Settlement Agreement, rescind the rules in the ADC Employee Handbook set forth above and furnish to all of our employees inserts for the ADC Employee Handbook that advise employees that the rules have been rescinded.

SANDVIK, INC.

(Employer)

By:

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

Dated: 7/30/14

(b) (6), (b) (7)(C)
(Representative)

(Title)

The National Labor Relations Board is an independent Federal agency created in 1935 to enforce the National Labor Relations Act. It conducts secret-ballot elections to determine whether employees want union representation and it investigates and remedies unfair labor practices by employers and unions. To find out more about your rights under the Act and how to file a charge or election petition, you may speak confidentially to any agent with the Board's Regional Office set forth below. You may also obtain information from the Board's website: www.nlr.gov and the toll-free number (866)667-NLRB (6572).

THIS IS AN OFFICIAL NOTICE AND MUST NOT BE DEFACED BY ANYONE

This notice must remain posted for 60 consecutive days from the date of posting and must not be altered, defaced, or covered by any other material. Any questions concerning this notice or compliance with its provisions may be directed to the above Regional Office's Compliance Officer,

550 MAIN ST
RM 3003
CINCINNATI, OH 45202-3271

Telephone: (513)684-3686
Hours of Operation: 8:30 a.m. to 5 p.m.

CERTIFICATION OF POSTING

RE: SANDVIK, INC.
Case 09-CA-128298

1. Physical Posting

The Notice to Employees in the above matter was posted on (date) 7/30/14

_____ at the following locations: (List specific places of posting)

1 NOTICE POSTED ON THE MAIN BREAK ROOM STORY BOARD

1 NOTICE POSTED ON THE WAREHOUSE STORY BOARD

1 NOTICE POSTED ON THE SECO BREAK ROOM ENTRANCE

1 NOTICE POSTED ON THE OFFICE AREA

1 NOTICE POSTED ON THE CUSTOMER SERVICE / EXPORTS OFFICE AREA

CHARGED PARTY/RESPONDENT

(b) (6), (b) (7)(C)

By: _____

Title: _____

(b) (6), (b) (7)(C)

Date: _____

7/30/14

This form should be returned to the Regional Office, together with **TWO** original Notices, dated and signed in the same manner as those posted.

CONFIRMATION OF 60-DAY POSTING

SANDVIK, INC.
Case 09-CA-128298

The Notice to Employees provided by the National Labor Relations Board in the
above matter remained continuously and conspicuously posted for at least 60 days.

CHARGED PARTY/RESPONDENT

By:

(b) (6), (b) (7)(C)

Title:

(b) (6), (b) (7)(C)

Date:

9/30/14



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 9
550 MAIN ST
RM 3003
CINCINNATI, OH 45202-3271

Agency Website: www.nlrb.gov
Telephone: (513) 684-3686
Fax: (513) 684-3946

October 8, 2014

Meghan A. Higgins
Attorney at Law
Morgan Lewis & Bockius LLP
1701 Market St
Philadelphia, PA 19103

Joseph C. Ragaglia
Attorney at Law
Morgan Lewis & Bockius LLP
1701 Market Street
Philadelphia, PA 19103

Re: SANDVIK, INC.
Case 09-CA-128298

Dear Ms. Higgins and Mr. Ragaglia:

The above-captioned case has been closed on compliance. Please note that the closing is conditioned upon continued observance of the informal Settlement Agreement.

Very truly yours,

/s/ Gary W. Muffley

Gary W. Muffley
Regional Director

cc: Danilo Angeli
Warehouse Operations Manager
Sandvik, Inc.
2300 Global Way
Hebron, KY 41048

(b) (6), (b) (7)(C)



UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD
CHARGE AGAINST EMPLOYER

INSTRUCTIONS:

DO NOT WRITE IN THIS SPACE	
Case	Date Filed
9-CA-147563	March 5, 2015

File an original of this charge with NLRB Regional Director in which the alleged unfair labor practice occurred or is occurring.

1. EMPLOYER AGAINST WHOM CHARGE IS BROUGHT

a. Name of Employer SANDVIK, INC.		b. Tel. No. (859)334-8300
		c. Cell No.
d. Address (street, city, state ZIP code) 2300 GLOBAL WAY HEBRON, KY 41048	e. Employer Representative GREG NEWSOME SITE MANAGER	f. Fax No.
		g. e-Mail
		h. Dispute Location (City and State) HEBRON, KY
i. Type of Establishment (factory, nursing home, hotel) Distribution	j. Principal Product or Service Industrial parts, tools, and machinery	k. Number of workers at dispute location 100

1. The above-named employer has engaged in and is engaging in unfair labor practices within the meaning of section 8(a), subsections (1) of the National Labor Relations Act, and these unfair labor practices are practices affecting commerce within the meaning of the Act, or these unfair labor practices are unfair practices affecting commerce within the meaning of the Act and the Postal Reorganization Act

2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices)

On February 19, 2015, the above-named Employer, by (b) (6), (b) (7)(C) told employees who shared issues of mutual concern with (b) (6), (b) (7)(C) that they are not to talk to (b) (6), (b) (7)(C) about their concerns together as a group and that if they have an issue, they should discuss it with (b) (6), (b) (7)(C) alone.

3. Full name of party filing charge (if labor organization, give full name, including local name and number)

(b) (6), (b) (7)(C)

4a. Address (street and number, city, state, and ZIP code)

(b) (6), (b) (7)(C)

4b. Tel. No.

(b) (6), (b) (7)(C)

4c. Cell No.

4d. Fax No.

4e. e-Mail

(b) (6), (b) (7)(C)

5. Full name of national or international labor organization of which it is an affiliate or constituent unit (to be filled in when charge is filed by a labor organization)

6. DECLARATION

I declare that I have read the above charge and that the statements are true to the best of my knowledge and belief.

Tel. No.

(b) (6), (b) (7)(C)

By: (b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

Office, if any, Cell No.

(signature of (b) (6), (b) (7)(C) representative of person making charge)

Print Name and Title

Fax No.

Address: (b) (6), (b) (7)(C)

Date: 2/28/15

e-Mail

(b) (6), (b) (7)(C)

WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)
PRIVACY ACT STATEMENT

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing unfair labor practice and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary; however, failure to supply the information will cause the NLRB to decline to invoke its processes.

(b) (6), (b) (7)(C)



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 9
550 MAIN ST
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CINCINNATI, OH 45202-3271

Agency Website: www.nlrb.gov
Telephone: (513)684-3686
Fax: (513)684-3946



Download
NLRB
Mobile App

March 5, 2015

(b) (6), (b) (7)(C)

Re: SANDVIC, INC.
Case 09-CA-147563

Dear (b) (6), (b) (7)(C)

The charge that you filed in this case on March 05, 2015 has been docketed as case number 09-CA-147563. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

Investigator: This charge is being investigated by Field Attorney JULIUS U. EMETU whose telephone number is (513)684-3651. If this Board agent is not available, you may contact Supervisory Attorney ERIC A. TAYLOR whose telephone number is (513)684-3659.

Right to Representation: You have the right to be represented by an attorney or other representative in any proceeding before us. If you choose to be represented, your representative must notify us in writing of this fact as soon as possible by completing *Form NLRB-4701, Notice of Appearance*. This form is available on our website, www.nlrb.gov, or at the Regional office upon your request.

If you are contacted by someone about representing you in this case, please be assured that no organization or person seeking your business has any "inside knowledge" or favored relationship with the National Labor Relations Board. Their knowledge regarding this proceeding was only obtained through access to information that must be made available to any member of the public under the Freedom of Information Act.

Presentation of Your Evidence: As the party who filed the charge in this case, it is your responsibility to meet with the Board agent to provide a sworn affidavit, or provide other witnesses to provide sworn affidavits, and to provide relevant documents within your possession. Because we seek to resolve labor disputes promptly, you should be ready to promptly present your affidavit(s) and other evidence. If you have not yet scheduled a date and time for the Board

agent to take your affidavit, please contact the Board agent to schedule the affidavit(s). If you fail to cooperate in promptly presenting your evidence, your charge may be dismissed without investigation.

Procedures: We strongly urge everyone to submit all documents and other materials (except unfair labor practice charges and representation petitions) by E-Filing (not e-mailing) through our website www.nlr.gov. However, the Agency will continue to accept timely filed paper documents. Please include the case name and number indicated above on all your correspondence regarding the charge.

Information about the Agency, the procedures we follow in unfair labor practice cases and our customer service standards is available on our website www.nlr.gov or from the Regional Office upon your request. *NLRB Form 4541, Investigative Procedures* offers information that is helpful to parties involved in an investigation of an unfair labor practice charge.

We can provide assistance for persons with limited English proficiency or disability. Please let us know if you or any of your witnesses would like such assistance.

Very truly yours,

A handwritten signature in dark ink, appearing to read "Garey Edward Lindsay". The signature is fluid and cursive, with the first name "Garey" being more prominent and stylized.

Garey Edward Lindsay
Regional Director



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 9
550 MAIN ST
RM 3003
CINCINNATI, OH 45202-3271

Agency Website: www.nlr.gov
Telephone: (513)684-3686
Fax: (513)684-3946



Download
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Mobile App

March 5, 2015

Greg Newsome, Site Manager
Sandvik, Inc.
2300 Global Way
Herbon, Ky 41048

Re: SANDVIC, INC.
Case 09-CA-147563

Dear Mr. Newsome:

Enclosed is a copy of a charge that has been filed in this case. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

Investigator: This charge is being investigated by Field Attorney JULIUS U. EMETU whose telephone number is (513)684-3651. If this Board agent is not available, you may contact Supervisory Attorney ERIC A. TAYLOR whose telephone number is (513)684-3659.

Right to Representation: You have the right to be represented by an attorney or other representative in any proceeding before us. If you choose to be represented, your representative must notify us in writing of this fact as soon as possible by completing Form NLRB-4701, Notice of Appearance. This form is available on our website, www.nlr.gov, or from an NLRB office upon your request.

If you are contacted by someone about representing you in this case, please be assured that no organization or person seeking your business has any "inside knowledge" or favored relationship with the National Labor Relations Board. Their knowledge regarding this proceeding was only obtained through access to information that must be made available to any member of the public under the Freedom of Information Act.

Presentation of Your Evidence: We seek prompt resolutions of labor disputes. Therefore, I urge you or your representative to submit a complete written account of the facts and a statement of your position with respect to the allegations set forth in the charge as soon as possible. If the Board agent later asks for more evidence, I strongly urge you or your representative to cooperate fully by promptly presenting all evidence relevant to the investigation. In this way, the case can be fully investigated more quickly.

Full and complete cooperation includes providing witnesses to give sworn affidavits to a Board agent, and providing all relevant documentary evidence requested by the Board agent. Sending us your written account of the facts and a statement of your position is not enough to be considered full and complete cooperation. A refusal to fully cooperate during the investigation might cause a case to be litigated unnecessarily.

In addition, either you or your representative must complete the enclosed Commerce Questionnaire to enable us to determine whether the NLRB has jurisdiction over this dispute. If you recently submitted this information in another case, or if you need assistance completing the form, please contact the Board agent.

We will not honor any request to place limitations on our use of position statements or evidence beyond those prescribed by the Freedom of Information Act and the Federal Records Act. Thus, we will not honor any claim of confidentiality except as provided by Exemption 4 of FOIA, 5 U.S.C. Sec. 552(b)(4), and any material you submit may be introduced as evidence at any hearing before an administrative law judge. We are also required by the Federal Records Act to keep copies of documents gathered in our investigation for some years after a case closes. Further, the Freedom of Information Act may require that we disclose such records in closed cases upon request, unless there is an applicable exemption. Examples of those exemptions are those that protect confidential financial information or personal privacy interests.

Procedures: We strongly urge everyone to submit all documents and other materials (except unfair labor practice charges and representation petitions) by E-Filing (not e-mailing) through our website, www.nlr.gov. However, the Agency will continue to accept timely filed paper documents. Please include the case name and number indicated above on all your correspondence regarding the charge.

Information about the Agency, the procedures we follow in unfair labor practice cases and our customer service standards is available on our website, www.nlr.gov or from an NLRB office upon your request. NLRB Form 4541 offers information that is helpful to parties involved in an investigation of an unfair labor practice charge.

We can provide assistance for persons with limited English proficiency or disability. Please let us know if you or any of your witnesses would like such assistance.

Very truly yours,

A handwritten signature in black ink, appearing to read "Garey Edward Lindsay". The signature is fluid and cursive, with the first name "Garey" being particularly prominent.

Garey Edward Lindsay
Regional Director

Enclosures:

1. Copy of Charge
2. Commerce Questionnaire

NATIONAL LABOR RELATIONS BOARD

NOTICE OF APPEARANCE

Sandvik, Inc.

and

CASE 09-CA-147563

☒ REGIONAL DIRECTOR

☐ EXECUTIVE SECRETARY
NATIONAL LABOR RELATIONS BOARD
Washington, DC 20570

☐ GENERAL COUNSEL
NATIONAL LABOR RELATIONS BOARD
Washington, DC 20570

THE UNDERSIGNED HEREBY ENTERS APPEARANCE AS REPRESENTATIVE OF _____
Employer, Sandvik, Inc.

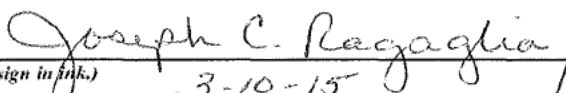
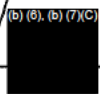
IN THE ABOVE-CAPTIONED MATTER.

CHECK THE APPROPRIATE BOX(ES) BELOW:

☒ REPRESENTATIVE IS AN ATTORNEY

☒ IF REPRESENTATIVE IS AN ATTORNEY, IN ORDER TO ENSURE THAT THE PARTY MAY RECEIVE COPIES OF CERTAIN DOCUMENTS OR CORRESPONDENCE FROM THE AGENCY IN ADDITION TO THOSE DESCRIBED BELOW, THIS BOX MUST BE CHECKED. IF THIS BOX IS NOT CHECKED, THE PARTY WILL RECEIVE ONLY COPIES OF CERTAIN DOCUMENTS SUCH AS CHARGES, PETITIONS AND FORMAL DOCUMENTS AS DESCRIBED IN SEC. 11842.3 OF THE CASEHANDLING MANUAL.

(REPRESENTATIVE INFORMATION)

NAME:	Joseph C. Ragaglia		
MAILING ADDRESS:	Morgan, Lewis & Bockius, LLP, 1701 Market Street, Philadelphia, PA 19103		
E-MAIL ADDRESS:	jragaglia@morganlewis.com		
OFFICE TELEPHONE NUMBER:	215.963.5365		
CELL PHONE NUMBER:	610.331.2544	FAX:	215.963.5001
SIGNATURE:	 		
DATE:	(Please sign in ink.) 3-10-15		

¹ IF CASE IS PENDING IN WASHINGTON AND NOTICE OF APPEARANCE IS SENT TO THE GENERAL COUNSEL OR THE EXECUTIVE SECRETARY, A COPY SHOULD BE SENT TO THE REGIONAL DIRECTOR OF THE REGION IN WHICH THE CASE WAS FILED SO THAT THOSE RECORDS WILL REFLECT THE APPEARANCE.

NATIONAL LABOR RELATIONS BOARD

NOTICE OF APPEARANCE

Sandvik, Inc.

and

CASE 09-CA-147563

☒ REGIONAL DIRECTOR

☐ EXECUTIVE SECRETARY
NATIONAL LABOR RELATIONS BOARD
Washington, DC 20570

☐ GENERAL COUNSEL
NATIONAL LABOR RELATIONS BOARD
Washington, DC 20570

THE UNDERSIGNED HEREBY ENTERS APPEARANCE AS REPRESENTATIVE OF _____
Employer, Sandvik, Inc.

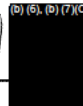
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(REPRESENTATIVE INFORMATION)

NAME: Meghan A. Higgins	
MAILING ADDRESS: Morgan Lewis & Bockius, LLP, 1701 Market Street, Philadelphia, PA 19103	
E-MAIL ADDRESS: meghan.higgins@morganlewis.com	
OFFICE TELEPHONE NUMBER: 215.963.4794	
CELL PHONE NUMBER:	FAX: 215.963.5001
SIGNATURE: <i>Meghan A. Higgins</i> 	
DATE: (Please sign in ink.) 3-10-15	

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From: [Higgins, Meghan A.](#)
To: [Higgins, Meghan A.](#); [Allen, Bennett](#)
Subject: RE: Subpoena Re 09-CA-147563
Date: Monday, July 6, 2015 11:50:31 AM

Hi Bennett,

We just received the attached subpoena today, July 6th – the deadline to contact you re: the subpoena and alternative arrangements. I am trying to get in touch with our client who is out on vacation this week. While I still need to confirm with our client, it is very likely that we would like to request a more convenient fashion to produce the subpoenaed documents than (b) (6), (b) (7)(C) appearance. Would faxing and/or sending the information by July 10th be a reasonable alternative?

Many thanks,
Meghan

Meghan A. Higgins
Morgan, Lewis & Bockius LLP
1701 Market Street | Philadelphia, PA 19103-2921
Direct: 215.963.4794 | Main: 215.963.5000 | Cell: 410.596.3204 | Fax: 215.963.5001
meghan.higgins@morganlewis.com | www.morganlewis.com
Assistant: Jennie A. Sacca | 215.963.4893 | jsacca@morganlewis.com

From: Higgins, Meghan A.
Sent: Monday, June 29, 2015 2:46 PM
To: 'Allen, Bennett'
Subject: RE: Subpoena Re 09-CA-147563

Hi Bennett,

The address is below:

Sandvik HR Services
1702 Nevins Road
Fair Lawn, NJ 07410
(attention (b) (6), (b) (7)(C))

Meghan A. Higgins
Morgan, Lewis & Bockius LLP
1701 Market Street | Philadelphia, PA 19103-2921
Direct: 215.963.4794 | Main: 215.963.5000 | Cell: 410.596.3204 | Fax: 215.963.5001
meghan.higgins@morganlewis.com | www.morganlewis.com
Assistant: Jennie A. Sacca | 215.963.4893 | jsacca@morganlewis.com

From: Allen, Bennett [<mailto:Bennett.Allen@nlrb.gov>]
Sent: Friday, June 26, 2015 1:07 PM
To: Higgins, Meghan A.
Subject: Subpoena Re 09-CA-147563

Good Afternoon Meghan:

I am preparing a subpoena for contact information – names, addresses, phone numbers – for Sandvik's ADC employees.

To whom shall I address the subpoena?

Thank you,

Bennett

DISCLAIMER

This e-mail message is intended only for the personal use of the recipient(s) named above. This message may be an attorney-client communication and as such privileged and confidential and/or it may include attorney work product. If you are not an intended recipient, you may not review, copy or distribute this message. If you have received this communication in error, please notify us immediately by e-mail and delete the original message.

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION 9

SANDVIK, INC.

and

Case 09-CA-147563

(b) (6), (b) (7)(C) AN INDIVIDUAL

COMPLAINT
AND
NOTICE OF HEARING

The Complaint and Notice of Hearing is based on a charge filed by (b) (6), (b) (7)(C) an individual (b) (6), (b) (7)(C) against Sandvik, Inc. (Respondent). It is issued pursuant to Section 10(b) of the National Labor Relations Act (the Act), 29 U.S.C. § 151 et seq., and Section 102.15 of the Rules and Regulations of the National Labor Relations Board (the Board) and alleges that Respondent has violated the Act as described below.

1. The charge in this proceeding was filed by (b) (6), (b) (7)(C) on March 5, 2015, and a copy was served on Respondent by U.S. mail on the same date.
2. (a) At all material times, Respondent has been a corporation with an office and place of business in Hebron, Kentucky (Respondent's facility) and has been engaged in the manufacture and sale of precision cutting tools and tooling systems.

(b) In conducting its business operations during the past 12-month period ending August 1, 2015, Respondent purchased and received at Respondent's facility goods valued in excess of \$50,000 directly from points outside the Commonwealth of Kentucky.

(c) At all material times, Respondent has been an employer engaged in commerce within the meaning of Section 2(2), (6) and (7) of the Act.

3. At all material times, (b) (6), (b) (7)(C) held the position of Respondent's (b) (6), (b) (7)(C) and has been a supervisor of Respondent within the meaning of Section 2(11) of the Act and an agent of Respondent within the meaning of Section 2(13) of the Act.

4. About a date in February 2015, the exact date being unknown to the General Counsel, Respondent, by (b) (6), (b) (7)(C) at Respondent's facility, prohibited employees from approaching management as a group to discuss terms and conditions of employment.

5. By the conduct described above in paragraph 4, Respondent has been interfering with, restraining, and coercing employees in the exercise of their rights guaranteed in Section 7 of the Act in violation of Section 8(a)(1) of the Act.

6. The unfair labor practices of Respondent described above affect commerce within the meaning of Section 2(6) and (7) of the Act.

ANSWER REQUIREMENT

Respondent is notified that, pursuant to Sections 102.20 and 102.21 of the Board's Rules and Regulations, it must file an answer to the complaint. The answer must be **received by this office on or before September 14, 2015 or postmarked on or before September 13, 2015.**

Respondent should file an original and four copies of the answer with this office and serve a copy of the answer on each of the other parties.

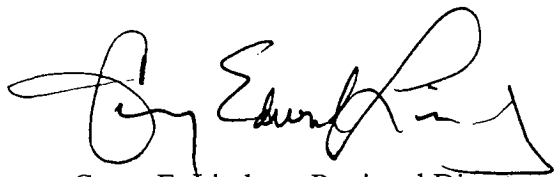
An answer may also be filed electronically through the Agency's website. To file electronically, go to www.nlr.gov, click on **E-File Documents**, enter the NLRB Case Number, and follow the detailed instructions. The responsibility for the receipt and usability of the answer rests exclusively upon the sender. Unless notification on the Agency's website informs users that the Agency's E-Filing system is officially determined to be in technical failure because it is unable to receive documents for a continuous period of more than 2 hours after 12:00 noon (Eastern Time) on the due date for filing, a failure to timely file the answer will not be excused on the basis that the transmission could not be accomplished because the Agency's website was off-line or unavailable for some other reason. The Board's Rules and Regulations require that an

answer be signed by counsel or non-attorney representative for represented parties or by the party if not represented. See Section 102.21. If the answer being filed electronically is a pdf document containing the required signature, no paper copies of the answer need to be transmitted to the Regional Office. However, if the electronic version of an answer to a complaint is not a pdf file containing the required signature, then the E-filing rules require that such answer containing the required signature continue to be submitted to the Regional Office by traditional means within three (3) business days after the date of electronic filing. Service of the answer on each of the other parties must still be accomplished by means allowed under the Board's Rules and Regulations. The answer may not be filed by facsimile transmission. If no answer is filed, or if an answer is filed untimely, the Board may find, pursuant to a Motion for Default Judgment, that the allegations in the complaint are true.

NOTICE OF HEARING

PLEASE TAKE NOTICE THAT on **November 9, 2015, 10 a.m. at Room 3003, John Weld Peck Federal Building, 550 Main Street, Cincinnati, Ohio** and on consecutive days thereafter until concluded, a hearing will be conducted before an administrative law judge of the National Labor Relations Board. At the hearing, Respondent and any other party to this proceeding have the right to appear and present testimony regarding the allegations in this complaint. The procedures to be followed at the hearing are described in the attached Form NLRB-4668. The procedure to request a postponement of the hearing is described in the attached Form NLRB-4338.

Dated: August 31, 2015.

A handwritten signature in black ink, appearing to read "Garey E. Lindsay", is written over a horizontal line.

Garey E. Lindsay, Regional Director
Region 9, National Labor Relations Board
3003 John Weld Peck Federal Building
550 Main Street
Cincinnati, Ohio 45202-3271

Attachments

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION 9

SANDVIK, INC.

and

Case 09-CA-147563

(b) (6), (b) (7)(C) AN INDIVIDUAL

AFFIDAVIT OF SERVICE OF: Complaint and Notice of Hearing (with forms NLRB-4338 and NLRB-4668 attached)

I, the undersigned employee of the National Labor Relations Board, being duly sworn, say that on **August 31, 2015**, I served the above-entitled document(s) by **certified or regular mail**, as noted below, upon the following persons, addressed to them at the following addresses:

7319 ✓
GREG NEWSOME, SITE MANAGER
SANDVIK, INC.
2300 GLOBAL WAY
HEBRON, KY 41048

**CERTIFIED MAIL, RETURN RECEIPT
REQUESTED**

7326 ✓
(b) (6), (b) (7)(C)

**CERTIFIED MAIL, RETURN RECEIPT
REQUESTED**

August 31, 2015

Date

L. Hellrung, Designated Agent of NLRB

Name

Marlene Dole

Signature

mlh

UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD
NOTICE

Case 09-CA-147563

The issuance of the notice of formal hearing in this case does not mean that the matter cannot be disposed of by agreement of the parties. On the contrary, it is the policy of this office to encourage voluntary adjustments. The examiner or attorney assigned to the case will be pleased to receive and to act promptly upon your suggestions or comments to this end.

An agreement between the parties, approved by the Regional Director, would serve to cancel the hearing. However, unless otherwise specifically ordered, the hearing will be held at the date, hour, and place indicated. Postponements ***will not be granted*** unless good and sufficient grounds are shown ***and*** the following requirements are met:

- (1) The request must be in writing. An original and two copies must be filed with the Regional Director when appropriate under 29 CFR 102.16(a) or with the Division of Judges when appropriate under 29 CFR 102.16(b).
- (2) Grounds must be set forth in ***detail***;
- (3) Alternative dates for any rescheduled hearing must be given;
- (4) The positions of all other parties must be ascertained in advance by the requesting party and set forth in the request; and
- (5) Copies must be simultaneously served on all other parties (listed below), and that fact must be noted on the request.

Except under the most extreme conditions, no request for postponement will be granted during the three days immediately preceding the date of hearing.

GREG NEWSOME , SITE MANAGER, SANDVIK, INC., 2300 GLOBAL WAY,
HEBRON, KY 41048

(b) (6), (b) (7)(C)

NATIONAL LABOR RELATIONS BOARD

NOTICE OF APPEARANCE

Sandvik, Inc.

and

CASE 09-CA-147563

☒ REGIONAL DIRECTOR

☐ EXECUTIVE SECRETARY
NATIONAL LABOR RELATIONS BOARD
Washington, DC 20570

☐ GENERAL COUNSEL
NATIONAL LABOR RELATIONS BOARD
Washington, DC 20570

THE UNDERSIGNED HEREBY ENTERS APPEARANCE AS REPRESENTATIVE OF _____
Employer, Sandvik, Inc.

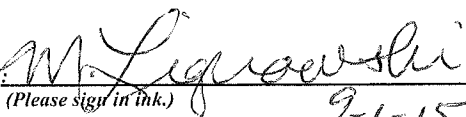
IN THE ABOVE-CAPTIONED MATTER.

CHECK THE APPROPRIATE BOX(ES) BELOW:

☒ REPRESENTATIVE IS AN ATTORNEY

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(REPRESENTATIVE INFORMATION)

NAME: Michael E. Lignowski	
MAILING ADDRESS: Morgan, Lewis & Bockius, LLP, 1701 Market Street, Philadelphia, PA 19103	
E-MAIL ADDRESS: mlignowski@morganlewis.com	
OFFICE TELEPHONE NUMBER: 215.963.5455	
CELL PHONE NUMBER:	FAX: 215.963.5001
SIGNATURE:  (Please sign in ink.)	
DATE: 9-1-15	

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**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION 9**

SANDVIK, INC.

and

(b) (6), (b) (7)(C)

AN INDIVIDUAL

:
:
:
:
:
:

Case No. 9-CA-147563

**SANDVIK, INC.'S
ANSWER TO COMPLAINT AND NOTICE OF HEARING**

Pursuant to the National Labor Relations Board's Rules & Regulations and consistent with communication with the Regional Office, Respondent Sandvik, Inc. (hereinafter "Sandvik" or "Respondent"), through its undersigned counsel, hereby responds to the Complaint and Notice of Hearing in the above-captioned matter upon information and belief as follows:

1. Admitted.

2. (a) Admitted.

(b) Admitted.

(c) Admitted.

3. Admitted in part; denied in part. It is admitted that **(b) (6), (b) (7)(C)** holds the title of **(b) (6), (b) (7)(C)** at Respondent and is a "supervisor" of Respondent within the meaning of Section 2(11) of the Act. It is denied that **(b) (6), (b) (7)(C)** is an "agent" of Respondent for any purpose material to this matter, alleged or otherwise. To the extent any of the remaining allegations contained herein state conclusions of law, they are deemed denied and no responsive pleading is required. All remaining allegations are denied.

4. Denied. By way of further response, the allegations contained herein are deemed to be denied to the extent that they state conclusions of law to which no responsive pleading is required. If and to the extent that a responsive pleading is deemed to be required, the allegations are denied. All remaining allegations are denied.

5. Denied. Respondent incorporates herein by reference its responses to the allegations of subparagraph 4 of the Complaint. By way of further response, the allegations contained herein are deemed to be denied to the extent that they state conclusions of law to which no responsive pleading is required. If and to the extent that a responsive pleading is deemed to be required, the allegations are denied. All remaining allegations are denied.

6. Denied. By way of further response, Respondent denies that it committed any “unfair labor practices.” By way of further response, the allegations contained herein are deemed to be denied to the extent that they state conclusions of law to which no responsive pleading is required. If and to the extent that a responsive pleading is deemed to be required, the allegations are denied. All remaining allegations are denied.

WHEREFORE, having fully answered all counts of the Consolidated Complaint, Respondent Sandvik, Inc. requests that the Consolidated Complaint be dismissed on all counts.

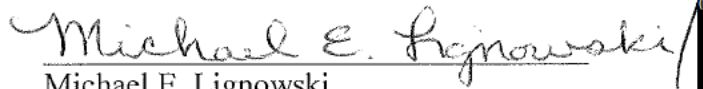

AFFIRMATIVE DEFENSES

1. The Complaint fails to state a claim upon which relief may be granted.
2. Respondent has acted at all relevant times in good faith.
3. Some or all of the allegations of the Consolidated Complaint are barred in whole or in part by the applicable limitations period under Section 10(b) of the National Labor Relations Act.

4. Some or all of the allegations of the Consolidated Complaint are barred in whole or in part because such allegations were not within the scope of the allegations made in any underlying unfair labor practice charge.

WHEREFORE, having fully answered all counts of the Consolidated Complaint, Respondent Sandvik, Inc. respectfully requests that the Consolidated Complaint be dismissed on all counts.

Respectfully submitted,

Michael E. Lignowski
Morgan Lewis & Bockius, LLP
1701 Market Street
Philadelphia, PA 19103
215.963.5455
Attorney for Respondent
Sandvik, Inc.

Dated: September 16, 2015

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Respondent Sandvik, Inc.'s Answer to the Complaint and Notice of Hearing was served by regular U.S. first-class mail this 16th day of September 2015, upon the following:

Eric Taylor
National Labor Relations Board Region 9
3003 John Weld Peck Federal Building
550 Main Street
Cincinnati, OH 84095

(b) (6), (b) (7)(C)

Michael E. Lignowski
MICHAEL E. LIGNOWSKI

(b) (6), (b) (7)(C)

UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD
SETTLEMENT AGREEMENT

IN THE MATTER OF

SANDVIK, INC.

Case 09-CA-147563

Subject to the approval of the Regional Director for the National Labor Relations Board, the Charged Party and the Charging Party **HEREBY AGREE TO SETTLE THE ABOVE MATTER AS FOLLOWS:**

POSTING OF NOTICE — Upon approval of this Agreement and receipt of the Notices from the Region, which may include Notices in more than one language as deemed appropriate by the Regional Director, the Charged Party will post immediately near the time clock and conspicuous places in and about its plant/office located at its' 2300 Global Way, Hebron, Kentucky 41048 facility, including all places where notices to employees/members are customarily posted, and maintain for 60 consecutive days from the date of posting, copies of the attached Notice (and versions in other languages as deemed appropriate by the Regional Director) made a part hereof, said Notices to be signed by a responsible official of the Charged Party and the date of actual posting to be shown thereon.

COMPLIANCE WITH NOTICE — The Charged Party will comply with all the terms and provisions of said Notice.

SCOPE OF THE AGREEMENT — This Agreement settles only the allegations in the above-captioned case(s), and does not constitute a settlement of any other case(s) or matters. It does not prevent persons from filing charges, the General Counsel from prosecuting complaints, or the Board and the courts from finding violations with respect to matters which precede the date of the approval of this Agreement regardless of whether such matters are known to the General Counsel knew or are readily discoverable. The General Counsel reserves the right to use the evidence obtained in the investigation and prosecution of the above-captioned case(s) for any relevant purpose in the litigation of this or any other case(s), and a judge, the Board and the courts may make findings of fact and/or conclusions of law with respect to said evidence. By approving this Agreement, the Regional Director withdraws any Complaints and Notices of Hearing issued in the above case(s), and the Charged Party withdraws any answers filed in response.

PARTIES TO THE AGREEMENT — If the Charging Party fails or refuses to become a party to this Agreement and the Regional Director determines that it will promote the policies of the National Labor Relations Act, the Regional Director may approve the settlement agreement and decline to issue or reissue a Complaint in this matter. If that occurs, this Agreement shall be between the Charged Party and the undersigned Regional Director. In that case, a Charging Party may request review of the decision to approve the Agreement. If the General Counsel does not sustain the Regional Director's approval, this Agreement shall be null and void.

AUTHORIZATION TO PROVIDE COMPLIANCE INFORMATION AND NOTICES DIRECTLY TO CHARGED PARTY — Counsel for the Charged Party authorizes the Regional Office to forward the cover letter describing the general expectations and instructions to achieve compliance, a conformed settlement, original notices and a certification of posting directly to the Charged Party. If such authorization is granted, Counsel will be simultaneously served with a courtesy copy of these documents.

Yes /s/ MEL
 Initials

No _____
 Initials

PERFORMANCE — Performance by the Charged Party with the terms and provisions of this Agreement shall commence immediately after the Agreement is approved by the Regional Director, or if the Charging Party does not enter into this Agreement, performance shall commence immediately upon receipt by the Charged Party of notice that no review has been requested or that the General Counsel has sustained the Regional Director.

The Charged Party agrees that in case of non-compliance with any of the terms of this Settlement Agreement by the Charged Party, and after 14 days notice from the Regional Director of the National Labor Relations Board of such non-compliance without remedy by the Charged Party, the Regional Director will reissue the Complaint previously issued on **August 31, 2015** in the instant case(s). Thereafter, the General Counsel may file a Motion for Default Judgment with the Board on the allegations of the Complaint. The Charged Party understands and agrees that all of the allegations of the aforementioned Complaint will be deemed admitted and its Answer to such Complaint will be considered withdrawn. The only issue that may be raised before the Board is whether the Charged Party defaulted on the terms of this Settlement Agreement. The Board may then, without necessity of trial or any other proceeding, find all allegations of the Complaint to be true and make findings of fact and conclusions of law consistent with those allegations adverse to the Charged Party, on all issues raised by the pleadings. The Board may then issue an Order providing a full remedy for the violations found as is appropriate to remedy such violations. The parties further agree that a U.S. Court of Appeals Judgment may be entered enforcing the Board Order ex parte, after service or attempted service upon Charged Party at the last address provided to the General Counsel. This Default Judgment provision applies only to default of the terms of this Settlement Agreement in connection with the Charged Party's 2300 Global Way, Hebron, Kentucky 41048 facility.

NOTIFICATION OF COMPLIANCE — The undersigned parties to this Agreement will notify the Regional Director in writing what steps the Charged Party has taken to comply herewith. Such notification shall be given within 5 days, and again after 60 days, from the date of the approval of this Agreement. In the event Charging Party does not enter into this Agreement, initial notice shall be given within 5 days after notification from the Regional Director that no review has been requested or that the General Counsel has sustained the Regional Director. Contingent upon compliance with the terms and provisions hereof, no further action shall be taken in the above captioned case(s).

Charged Party SANDVIK, INC.		Charging Party (b) (6), (b) (7)(C)	
By: Name and Title	Date	By: Name and Title	Date
/s/ Michael E. Lignowski Counsel for Charged Party	10/9/15	(b) (6), (b) (7)(C) Complainant/Employee	10/8/15
Recommended By:	Date	Approved By:	Date
/s/ Eric A. Taylor, Eric Taylor, Supervisory Attorney	10/9/15	/s/ Garey Edward Lindsay Regional Director, Region 9	October 19, 2015



NOTICE TO EMPLOYEES



POSTED PURSUANT TO A SETTLEMENT AGREEMENT APPROVED BY A REGIONAL DIRECTOR OF THE NATIONAL LABOR RELATIONS BOARD

AN AGENCY OF THE UNITED STATES GOVERNMENT

FEDERAL LAW GIVES YOU THE RIGHT TO:

- Form, join, or assist a union;
- Choose a representative to bargain with us on your behalf;
- Act together with other employees for your benefit and protection;
- Refrain from any or all such activities.

WE WILL NOT do anything to prevent you from exercising the above rights.

WE WILL NOT in any other manner interfere with, restrain, or coerce our employees in the exercise of their rights under Section 7 of the Act.

WE WILL NOT prohibit, or otherwise discourage, employees from presenting grievances or complaining about wages, hours and other working conditions to our managers and supervisors while accompanied by other employees, in retaliation for those protected concerted complaints.

SANDVIK, INC.

(Employer)

Dated:

10/27/15

By:

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C) representative

(b) (6), (b) (7)(C)

(Title)

The National Labor Relations Board is an independent Federal agency created in 1935 to enforce the National Labor Relations Act. It conducts secret-ballot elections to determine whether employees want union representation and it investigates and remedies unfair labor practices by employers and unions. To find out more about your rights under the Act and how to file a charge or election petition, you may speak confidentially to any agent with the Board's Regional Office set forth below. You may also obtain information from the Board's website: www.nlr.gov and the toll-free number (866)667-NLRB (6572).

THIS IS AN OFFICIAL NOTICE AND MUST NOT BE DEFACED BY ANYONE

This notice must remain posted for 60 consecutive days from the date of posting and must not be altered, defaced, or covered by any other material. Any questions concerning this notice or compliance with its provisions may be directed to the above Regional Office's Compliance Officer,

550 MAIN ST
RM 3003, CINCINNATI, OH 45202-3271

Telephone: (513)684-3686
Hours of Operation: 8:30 a.m. to 5 p.m.

CERTIFICATION OF POSTING

RE: SANDVIK, INC.
Case 09-CA-147563

1. Physical Posting

The Notice to Employees in the above matter was posted on (date) 10/27/15

_____ at the following locations: (List specific places of posting)

1 NOTICE POSTED AT TIME CLOCK WAREHOUSE

1 NOTICE POSTED AT WAREHOUSE STORY BOARD

1 NOTICE AT 2ND TIME CLOCK WAREHOUSE

1 NOTICE AT CUSTOMER SERVICE/EXPORT OFFICE AREA

1 NOTICE AT MAIN OFFICE POSTING AREA

CHARGED PARTY/RESPONDENT

By: (b) (6), (b) (7)(C)

Title: (b) (6), (b) (7)(C)

Date: 10/27/15

This form should be returned to the Regional Office, together with **TWO** original Notices, dated and signed in the same manner as those posted.



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 9
550 MAIN ST
RM 3003
CINCINNATI, OH 45202-3271

Agency Website: www.nlrb.gov
Telephone: (513)684-3686
Fax: (513)684-3946

January 6, 2016

MICHAEL E. LIGNOWSKI
ATTORNEY AT LAW
MORGAN, LEWIS & BOCKIUS, LLP
1701 MARKET ST
PHILADELPHIA, PA 19103

Re: SANDVIK, INC.
Case 09-CA-147563

Dear Mr. Lignowski:

The above-captioned case has been closed on compliance. Please note that the closing is conditioned upon continued observance of the informal Settlement Agreement.

Very truly yours,

/s/ Garey Edward Lindsay

Garey Edward Lindsay
Regional Director

cc: GREG NEWSOME
SITE MANAGER
SANDVIK, INC.
2300 GLOBAL WAY
HEBRON, KY 41048

(b) (6), (b) (7)(C)

UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD
CHARGE AGAINST EMPLOYER

DO NOT WRITE IN THIS SPACE

Case 11-CA-22173 Date Filed 1/26/09

INSTRUCTIONS:

File an original with NLRB Regional Director for the region in which the alleged unfair labor practice occurred or is occurring.

1. EMPLOYER AGAINST WHOM CHARGE IS BROUGHT

a. Name of Employer Sandvik, Inc.		b. Tel. No. (864)886-7300
		c. Cell No. () -
		f. Fax No. (864) 644-3706 front office () - (864) 644-5854 human resources
d. Address (Street, city, state, and ZIP code) 2424 Sandfer Blvd. Westminister, SC 29693	e. Employer Representative Jamie Herrera Plt. Mgr	g. e-Mail Jamie.Herrera@Sandvik.com
		h. Number of workers employed 300 300
i. Type of Establishment (factory, mine, wholesaler, etc.) factory	j. Identify principal product or service carbide cutting tools	

k. The above-named employer has engaged in and is engaging in unfair labor practices within the meaning of section 8(a), subsections (1) and (list subsections) _____ of the National Labor Relations Act, and these unfair labor practices are practices affecting commerce within the meaning of the Act, or these unfair labor practices are unfair practices affecting commerce within the meaning of the Act and the Postal Reorganization Act.

2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices)

Since on or about (b) (6), (b) (7)(C) 08, and continuing thereafter, the Employer discriminated against its employee, (b) (6), (b) (7)(C) by terminating (b) (6), (b) (7)(C) for engaging in Protected Concerted Activity.

3. Full name of party filing charge (if labor organization, give full name, including local name and number)

(b) (6), (b) (7)(C)

4c. Address (Street and number, city, state, and ZIP code)

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

4a. Tel. No.

(b) (6), (b) (7)(C)

4b. Cell No.

(b) (6), (b) (7)(C)

4d. Fax No.

() - no fax

4e. e-Mail

(b) (6), (b) (7)(C)

5. Full name of national or international labor organization of which it is an affiliate or constituent unit (to be filled in when charge is filed by a labor organization)

6. DECLARATION

I declare that I have read the above charge and that the statements are true to the best of my knowledge and belief.

(b) (6), (b) (7)(C)

Individual

(b) (6), (b) (7)(C)
(Signature of representative or person making charge)

(Print/type name and title or office, if any)

(b) (6), (b) (7)(C)

Tel. No.

(b) (6), (b) (7)(C)

Office, if any, Cell No.

() -

Fax No.

() no fax

e-Mail

(b) (6), (b) (7)(C)

Address

Jan 21, 2009
(date)

WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)

IO PRIVACY ACT STATEMENT 11-2009-0028

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing unfair labor practice and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary; however, failure to supply the information will cause the NLRB to decline to invoke its processes.



United States Government

NATIONAL LABOR RELATIONS BOARD

Region 11

P. O. Box 11467

Winston-Salem, NC 27116-1467

Telephone: 336/631-5201

Fax: 336/631-5210

www.nlr.gov

4035 University Pkwy., Suite 200

Winston-Salem, NC 27106-3325

June 2, 2021

Re: Sandvik, Inc.
Case 11-CA-22173

Jamie Herrera, Plt. Mgr
Sandvik, Inc.
2424 Sandfer Blvd.
Westminister , SC 29693

Dear Mr. Herrera:

A charge has been filed with this office alleging that you have engaged and are engaging in unfair labor practices within the meaning of the National Labor Relations Act, as amended. A copy of the charge is herewith served upon you.

Please review the attached Notice concerning the status of Agency resources.

Attention is called to your right, and the right of any party, to be represented by counsel or other representative in any proceeding before the National Labor Relations Board and the courts. The enclosed Form 4541 outlines the Board's procedures in unfair labor practice cases and explains the steps to be taken to exercise this right.

You are requested to submit promptly a complete written account of the facts and a statement of your position in respect to the allegations set forth in the charge. **Please state the case name and number on all correspondence.** If the investigation warrants, you will be requested to present any witnesses who can submit affidavits in support of your position. Also, you may be requested to submit any documents and/or records that support your position. However, the submission of only a position letter or memorandum, or the submission of affidavits not taken by a Board agent does not constitute full and complete cooperation.

The case has been assigned to the Board agent listed on the signature page of this letter. When the Board agent solicits relevant evidence from you or your counsel, I request and strongly urge you or your counsel to promptly present to the Board agent any and all evidence relevant to the investigation. It is my view that a refusal to fully cooperate during the investigation might cause a case to be litigated unnecessarily. Full and complete cooperation includes, where relevant, timely providing all material witnesses under your control to a Board agent so that witnesses' statements can be reduced to affidavit form, and providing all relevant documentary evidence requested by the Board agent. The submission of a position letter or memorandum, or the submission of affidavits not taken by a Board agent, does not constitute full and complete cooperation. Further, please be advised that we cannot accept any limitations on the use of any evidence or position statements that are provided to the Agency. Thus, any claim of confidentiality cannot be honored except as provided by Exemption 4 of the FOIA, 5 U.S.C. Sec. 552(b)(4), and any material submitted may be subject to introduction as evidence at any hearing that may be held before an administrative law judge. In this regard, we are required by the Freedom of Information Act to disclose such records upon request, absent some applicable exemption such as those that protect confidential financial information or personal privacy interests (e.g., Exemption 4 of FOIA, 5 U.S.C. Sec. 552(b)(4)). Accordingly, we will not honor any request to place limitations on our use of position statements or evidence beyond those prescribed by the foregoing laws, regulations, and policies.

There is also enclosed a questionnaire concerning the business of the Company. It will be appreciated if you will complete this questionnaire and return it at your earliest convenience.

Please be advised that under the Freedom of Information Act, unfair labor practice charges and representation petitions are subject to prompt disclosure to members of the public upon request. In this regard, you may have received a solicitation by organizations or persons who have obtained public information concerning this matter and who seek to represent you before our Agency. You may be assured that no organization or person seeking your business has any "inside knowledge" or favored relationship with the National Labor Relations Board; their information regarding this matter is only that which must be made available to any member of the public.

Customer service standards concerning the processing of unfair labor practice cases have been published by the Agency and are available on the Agency's website (www.nlrb.gov) under Public Notices.

Your cooperation with this office is invited so that all facts of the case may be considered.

Very truly yours,

Willie L. Clark, Jr.
Regional Director

Attachments: Charge
Notice
NLRB Forms 4541, 4701, and 4813
Commerce Questionnaire (NLRB Form 5081)
Attachment

ASSIGNED TO: Ingrid J. Jenkins, telephone (336)631-5218

E-MAIL ADDRESS: Ingrid.Jenkins@nlrb.gov

cc:



United States Government

NATIONAL LABOR RELATIONS BOARD

Region 11

P. O. Box 11467

Winston-Salem, NC 27116-1467

Telephone: 336/631-5201

Fax: 336/631-5210

www.nlr.gov

4035 University Pkwy., Suite 200

Winston-Salem, NC 27106-3325

June 2, 2021

Re: Sandvik, Inc.
Case 11-CA-22173

(b) (6), (b) (7)(C)

Dear (b) (6), (b) (7)(C)

This is to inform you that the charge which you recently filed in the above case has been assigned to a Board agent who will contact you at an early date. Any information you have in support of this charge should be submitted to this office as soon as possible.

Please review the attached Notice concerning the status of Agency resources.

Customer service standards concerning the processing of unfair labor practice cases have been published by the Agency and are available on the Agency's website (www.nlr.gov) under Public Notices.

Attention is called to your right, and the right of any party, to be represented by counsel or other representative in any proceeding before the National Labor Relations Board and the courts. The enclosed Form 4541 outlines the Board's procedures in unfair labor practice cases and explains the steps to be taken to exercise this right.

Very truly yours,

Willie L. Clark, Jr.
Regional Director

Attachments: Charge
Notice
NLRB Forms 4541, 4701, and 4813
Attachment

ASSIGNED TO: Ingrid J. Jenkins, telephone (336)631-5218

E-MAIL ADDRESS: Ingrid.Jenkins@nlrb.gov

cc:

UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD
Amended CHARGE AGAINST EMPLOYER

FORM EXEMPT UNDER 44 U.S.C. 3512

p. 1

INSTRUCTIONS:

File an original with NLRB Regional Director for the region in which the alleged unfair labor practice occurred or is occurring.

DO NOT WRITE IN THIS SPACE	
Case 11-CA-22173	Date Filed 1/25/09 3/16/09

1. EMPLOYER AGAINST WHOM CHARGE IS BROUGHT

a. Name of Employer Sandvik, Inc.		b. Tel. No. (864)886-7300
d. Address (Street, city, state, and ZIP code) 2424 Sandfcr Blvd. Westminister SC 29693-		c. Cell No. () -
e. Employer Representative Jamic Herrera Plant Manager		f. Fax No. () -
i. Type of Establishment (factory, mine, wholesaler, etc.) factory		g. e-Mail
j. Identify principal product or service carbide cutting tools		h. Number of workers employed 300

k. The above-named employer has engaged in and is engaging in unfair labor practices within the meaning of section 8(a), subsections (1) and (1st subsections) _____ of the National Labor Relations Act, and these unfair labor practices are practices affecting commerce within the meaning of the Act, or these unfair labor practices are unfair practices affecting commerce within the meaning of the Act and the Postal Reorganization Act.

2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices)
Around mid to late September 2008, and continuing through early October 2008, the above-named Employer, through its agents, officers, and representatives, discriminated against employee (b) (6), (b) (7)(C) by giving (b) (6), (b) (7)(C) more onerous work for engaging in protected concerted activities.

Since on or about (b) (6), (b) (7)(C) 2008, the above-named Employer, through its agents, officers, and representatives, discriminated against (b) (6), (b) (7)(C) by terminating (b) (6), (b) (7)(C) for engaging in protected concerted activities.

3. Full name of party filing charge (if labor organization, give full name, including local name and number)
(b) (6), (b) (7)(C)

4a. Address (Street and number, city, state, and ZIP code)
(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

4a. Tel. No.
(b) (6), (b) (7)(C)4b. Cell No.
(b) (6), (b) (7)(C)4d. Fax No.
() -4e. e-Mail
(b) (6), (b) (7)(C)

5. Full name of national or international labor organization of which it is an affiliate or constituent unit (to be filled in when charge is filed by a labor organization)

6. DECLARATION

I declare that I have read the above charge and that the statements are true to the best of my knowledge and belief.

(b) (6), (b) (7)(C)

By _____
(signature or representative or person making charge)

an Individual

(Print/type name and title or office, if any)

(b) (6), (b) (7)(C)

Address

3/14/2009
(date)Tel. No.
(b) (6), (b) (7)(C)Office if any Cell No.
(b) (6), (b) (7)(C)Fax No.
() -e-Mail
(b) (6), (b) (7)(C)

WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)

PRIVACY ACT STATEMENT

11-2009-0538

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing unfair labor practice and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 74 Fed. Reg. 34440, 34441 (Aug. 12, 2009). The NLRB will further disclose this information to the public as required by law.



United States Government

NATIONAL LABOR RELATIONS BOARD

Region 11

P. O. Box 11467

Winston-Salem, NC 27116-1467

Telephone: 336/631-5201

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www.nlrb.gov

4035 University Pkwy., Suite 200

Winston-Salem, NC 27106-3325

June 2, 2021

Re: Sandvik, Inc.
Case 11-CA-22173

Jamie Herrera, Plt. Mgr
Sandvik, Inc.
2424 Sandfer Blvd.
Westminister , SC 29693

Dear Herrera:

This is to advise you that the charge filed with this office in the above-captioned matter has been amended. A copy of the first amended charge is herewith served upon you.

Very truly yours,

Willie L. Clark, Jr.
Regional Director

Attachment

cc:

Mr. Michael E. Lignowski, Esq.
Senior Attorney
Morgan, Lewis & Bockius, LLP
1701 Market Street
Philadelphia, PA 19103



United States Government

NATIONAL LABOR RELATIONS BOARD

Region 11

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4035 University Pkwy., Suite 200

Winston-Salem, NC 27106-3325

June 2, 2021

Re: Sandvik, Inc.
Case 11-CA-22173

(b) (6), (b) (7)(C)

Dear (b) (6), (b) (7)(C)

This will acknowledge receipt of your first amended charge in the above-captioned case.

Very truly yours,

Willie L. Clark, Jr.
Regional Director



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD
OFFICE OF THE GENERAL COUNSEL
Washington, D.C. 20570

August 31, 2009

Re: Sandvik, Inc.
Case No. 11-CA-22173

(b) (6), (b) (7)(C)

Dear Ms. Jinks:

Your appeal from the Regional Director's refusal to issue complaint has been carefully considered. The appeal is denied.

Contrary to the contentions raised on appeal, there is insufficient evidence to establish that the Employer violated the National Labor Relations Act, (Act) as alleged. Specifically, there is insufficient evidence that the Employer gave you more onerous work assignments but rather, since you were trained on both the Edge Line Brushing and ELSA machines and cross-trained on the bulldog machines, the Employer's assignments were within your job description. Further, there is insufficient evidence to establish that the Employer terminated you because of your protected concerted activities, but rather, based on its progressive discipline policy and the disciplines that you received within the year of your termination. The evidence failed to establish a connection between the Employer's conduct against you and your protected activity, there was no evidence of animus against you for your protected activity. Therefore, no violation of the Act could be established and further proceedings herein were deemed unwarranted.

Sincerely,

Ronald Meisburg
General Counsel

By _____
Yvonne T. Dixon, Director
Office of Appeals

cc: Willie L. Clark, Jr., Regional Director
National Labor Relations Board
P.O. Box 11467
Winston-Salem, NC 27116

Jamie Herrera, Plant Manager
Sandvik, Inc.
2424 Sandfer Blvd.
Westminister, SC 29693

Michael E. Lignowski, Esq.
Senior Attorney
Morgan, Lewis & Bockius, LLP
1701 Market Street
Philadelphia, PA 19103

btb